

FILED

JUN 26 2012

MARSHA ABBOTT
CIRCUIT CLERK, HENRY CO., MO

IN THE CIRCUIT COURT OF HENRY COUNTY
STATE OF MISSOURI

Michael McIntyre and
Dana McIntyre
Plaintiff(s),

v.

LG Electronics U.S.A., Inc.

Serve Registered Agent At:
CSC-Lawyers Incorporating Service Company
221 Bolivar Street
Jefferson City, MO 65101
Defendant.

Case No. 12HE-CC 00042

Division No.

PETITION - PROPERTY DAMAGE

COME NOW Plaintiffs, Michael and Dana McIntyre, and in support of their Petition for Damages against Defendant, L.G. Electronics USA, Inc., allege as follows:

ALLEGATIONS COMMON TO ALL COUNTS

1. Plaintiffs are individuals who at all times material to this Petition owned property at 313 N. 3rd Street, City of Clinton, County of Henry, State of Missouri ("Plaintiffs' property").
2. Defendant, L.G. Electronics is a Delaware Corporation in good standing that is registered as a foreign entity in the State of Missouri, and which continually and systematically transacts business in the state of Missouri.
3. Plaintiffs at all times material had a dehumidifier with model or serial number 58054501300 ("dehumidifier") located in their property.
4. The dehumidifier was manufactured and/or designed by Defendant, and sold by Defendant in the stream of commerce.
5. Plaintiffs used the dehumidifier for its ordinary and normal purpose, namely to reduce the humidity in their property.

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EXHIBIT

A

6. On May 18, 2010, Plaintiffs used the dehumidifier in a manner reasonably expected, namely to reduce the humidity in their residence.

7. On or about May 18, 2010, the dehumidifier's fan motor failed, and caused a fire to occur in Plaintiffs' property.

8. The fire started due to a manufacturing and/or design defect that allowed the dehumidifier to malfunction.

9. As a direct and proximate result of this defect(s), Plaintiffs' property was damaged and depreciated in the amount of \$83,788.49.

COUNT I - NEGLIGENT MANUFACTURE AND/OR DESIGN

10. Plaintiffs incorporate the allegations in paragraphs 1 through 9 as if fully stated herein.

11. Defendant L.G. Electronics USA, Inc., manufactured and/or designed the dehumidifier located in Plaintiffs' property.

12. That the dehumidifier was manufactured and/or designed with a defect that allowed its fan motor to fail, and cause a fire.

13. That the Defendant failed to use ordinary care to manufacture and/or design the front dehumidifier to be reasonably safe, and/or failed to adequately warn of the risk of harm from the faulty and defective dehumidifier.

14. As a direct and proximate result of Defendant's negligence, Plaintiffs' property was damaged and depreciated in the amount of \$83,788.49.

15. That Plaintiffs' damages were a natural and foreseeable consequence of Defendant's negligence.

WHEREFORE, Plaintiffs requests that the Court render judgment against the Defendant for an amount less than \$83,788.49, plus court costs, prejudgment interest, and any other relief that this Court deems just and reasonable.

MO_0118 Filr No. 12-1780

COUNT II - STRICT LIABILITY - PRODUCT DEFECT

16. Plaintiffs incorporate the allegations in paragraphs 1-15 as if fully stated herein.

17. That Defendant, L.G. Electronics USA, Inc., manufactured and/or designed and sold the subject dehumidifier in the stream of commerce.

18. That the dehumidifier was in a defective condition and unreasonably dangerous when put to a reasonably expected use.

19. That the dehumidifier was used by the Plaintiffs in a manner reasonably anticipated.

20. That as a direct and proximate result of the defective condition that existed when the dehumidifier was sold to Plaintiffs, Plaintiffs' property was damaged and depreciated in the amount of \$83,788.49.

WHEREFORE, Plaintiffs requests that the Court render judgment against the Defendant for an amount less than \$83,788.49, plus court costs, prejudgment interest, and any other relief that this Court deems just and reasonable.

COUNT III - STRICT LIABILITY - FAILURE TO WARN

21. Plaintiffs incorporate the allegations in paragraphs 1-20 as if fully stated herein.

22. That Defendant L.G. Electronics USA, Inc., manufactured and/or designed and sold the subject dehumidifier in the stream of commerce.

23. That the dehumidifier was then unreasonably dangerous when put to a reasonably anticipated use without knowledge of its characteristics.

24. That Defendant did not give an adequate warning of the danger.

25. That the dehumidifier was used in a manner reasonably anticipated.

26. That as a direct and proximate result of the inadequate warning that existed when the dehumidifier was sold to Plaintiffs, Plaintiffs' property was damaged and depreciated in the amount of \$83,788.49.

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WHEREFORE, Plaintiffs requests that the Court render judgment against the Defendant for an amount less than \$83,788.49, plus court costs, pre-judgment interest, and any other relief that this Court deems just and reasonable.

**COUNT IV - BREACH OF THE IMPLIED WARRANTY OF
FITNESS FOR A PARTICULAR PURPOSE**

27. Plaintiffs incorporate the allegations in paragraphs 1-26 as if fully stated herein.

28. That Defendant L.G. Electronics USA, Inc., manufactured and/or designed and sold the subject dehumidifier in the stream of commerce.

29. That Defendant knew or should have known of the particular purpose for which the dehumidifier was purchased.

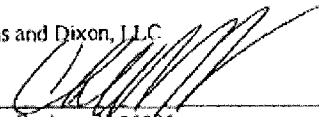
30. That Plaintiffs reasonably relied upon Defendant's judgment that the dehumidifier was fit for such use.

31. That when manufactured and/or designed and sold by Defendant in the stream of commerce, the dehumidifier was not fit for such use.

32. As a direct and proximate result of the dehumidifier being unfit for such use, Plaintiffs' property was damaged and depreciated in the amount of \$83,788.49.

WHEREFORE, Plaintiffs requests that the Court render judgment against the Defendant for an amount less than \$83,788.49, plus court costs, pre-judgment interest, and any other relief that this Court deems just and reasonable.

Evans and Dixon, LLC



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MO_0118 File No : 12-1780




IN THE 27TH JUDICIAL CIRCUIT COURT, HENRY COUNTY, MISSOURI

Judge or Division: JAMES KELSO JOURNEY	Case Number: 1211E-CC00042
Plaintiff/Petitioner: MICHAEL A MCINTYRE	Plaintiff's/Petitioner's Attorney/Address WALLY JOSEPH PANKOWSKI 211 N BROADWAY SUITE 2500 SAINT LOUIS, MO 63102
Defendant/Respondent: LG ELECTRONICS USA INC	Court Address: 100 W FRANKLIN CLINTON, MO 64735
Nature of Suit: CC Other Tort	

(Date File Stamp)

Alias Summons in Civil Case

The State of Missouri to: LG ELECTRONICS USA INC	
Alias:	
Serve Registered Agent at: CSC-Lawyers Incorporating Service Company 221 Bolivar Street Jefferson City, MO 65101	
 COURT SEAL OF HENRY COUNTY	You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition. <u>7-10-2012</u> Date
	<u>Marsha A. Cerseth</u> Clerk
Further information: Petition attached to summons	
Sheriff's or Server's Return	
Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.	
I certify that I have served the above summons by: (check one)	
<input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent. <input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years. <input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title). <input type="checkbox"/> other _____	
Served at _____ (address)	
in _____ (County/City of St. Louis), MO. on _____ (date) at _____ (time).	
Printed Name of Sheriff or Server	Signature of Sheriff or Server
Must be sworn before a notary public if not served by an authorized officer:	
(Seal)	Subscribed and sworn to before me on _____ (date).
My commission expires:	_____ (date) _____ Notary Public
Sheriff's Fees Summons \$ _____ Non Est \$ _____ Sheriff's Deputy Salary \$ _____ Supplemental Surcharge \$ 10.00 Mileage \$ _____ (_____ miles @ \$ _____ per mile) Total \$ _____	
A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.	



CORPORATION SERVICE COMPANY

RECEIVED

JUL 20 2012

Notice of Service of Process

TV / ALL
Transmittal Number: 10131179
Date Processed: 07/19/2012

Primary Contact: Catherine Edwards
LG Electronics U.S.A., Inc.
1000 Sylvan Avenue
Englewood Cliffs, NJ 07632

Entity:	LG Electronics U.S.A., Inc. Entity ID Number 0001798
Entity Served:	LG Electronics U.S.A., Inc.
Title of Action:	Michael McIntyre vs. LG Electronics U.S.A., Inc.
Document(s) Type:	Summons/Complaint
Nature of Action:	Product Liability
Court/Agency:	Henry County Circuit Court, Missouri
Case/Reference No:	12HE-CC00042
Jurisdiction Served:	Missouri
Date Served on CSC:	07/18/2012
Answer or Appearance Due:	30 Days
Originally Served On:	CSC
How Served:	Personal Service
Sender Information:	Wally Pankowski 314-436-6757

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To avoid potential delay, please do not send your response to CSC
CSC is SAS70 Type II certified for its Litigation Management System.
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | sop@cscinfo.com